IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1602 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

GANGARAM DAYALJIBHAI PATEL PRINCIPAL

Appearance:

1. Special Civil Application No. 1602 of 2004

MR ND GOHIL, AGP for Petitioner No. 1

MS ABHA B MAKWANA for Respondent No. 1

MR NK MAJMUDAR for Respondent No. 2

MR SP MAJMUDAR for Respondent No. 2

RULE SERVED for Respondent No. 3-5

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 20/10/2004

ORAL JUDGEMENT

In this petition, the State Government has challenged the order dated 23rd November 2000 passed by the Gujarat Secondary Education Tribunal in Application

No.277 of 2000. The respondent No.1 Teacher had filed the above mentioned application before the Gujarat Secondary Education Tribunal seeking an additional increment in the cadre of Headmaster from 1.11.92. The Tribunal by its order dated 23.11.2000 was pleased to accept the request of the respondent No.1-Teacher and it was directed that he would be entitled to receive one increment in the cadre of headmaster from 1.11.92.

2. It is not necessary for this Court to go into the details of rival submissions since it is not in dispute that the question involved in the present petition is squarely covered by the decision of this High Court in the case of State of Gujarat v. Trikambhai Dhulabhai Prajapati, (2003) 2 G.H.J. 181 in which in similar circumstances, learned single Judge of this High Court had upheld the decision of the Tribunal granting such an increment to the teacher concerned. The counsel for the respondent No.1 also points out that following the said decision in the case of State of Gujarat v. Trikambhai Prajapati (supra), this Court had also disposed of Special Civil Application Nos.17327 of 2003 and 16807 of 2003 by the order dated 6.10.2004.

3. In view of the above discussion, I find that the impugned order of the Tribunal does not call for any interference and in view of the ratio of the decision in the case of State of Gujarat v. Trikambhai Dhulabhai (supra), the respondent No.1 is correctly held entitled to receive an additional increment.

4. The petition is therefore rejected. Rule is discharged. Interim relief granted earlier stands vacated.

(Akil Kureshi, J.)

(vjn)